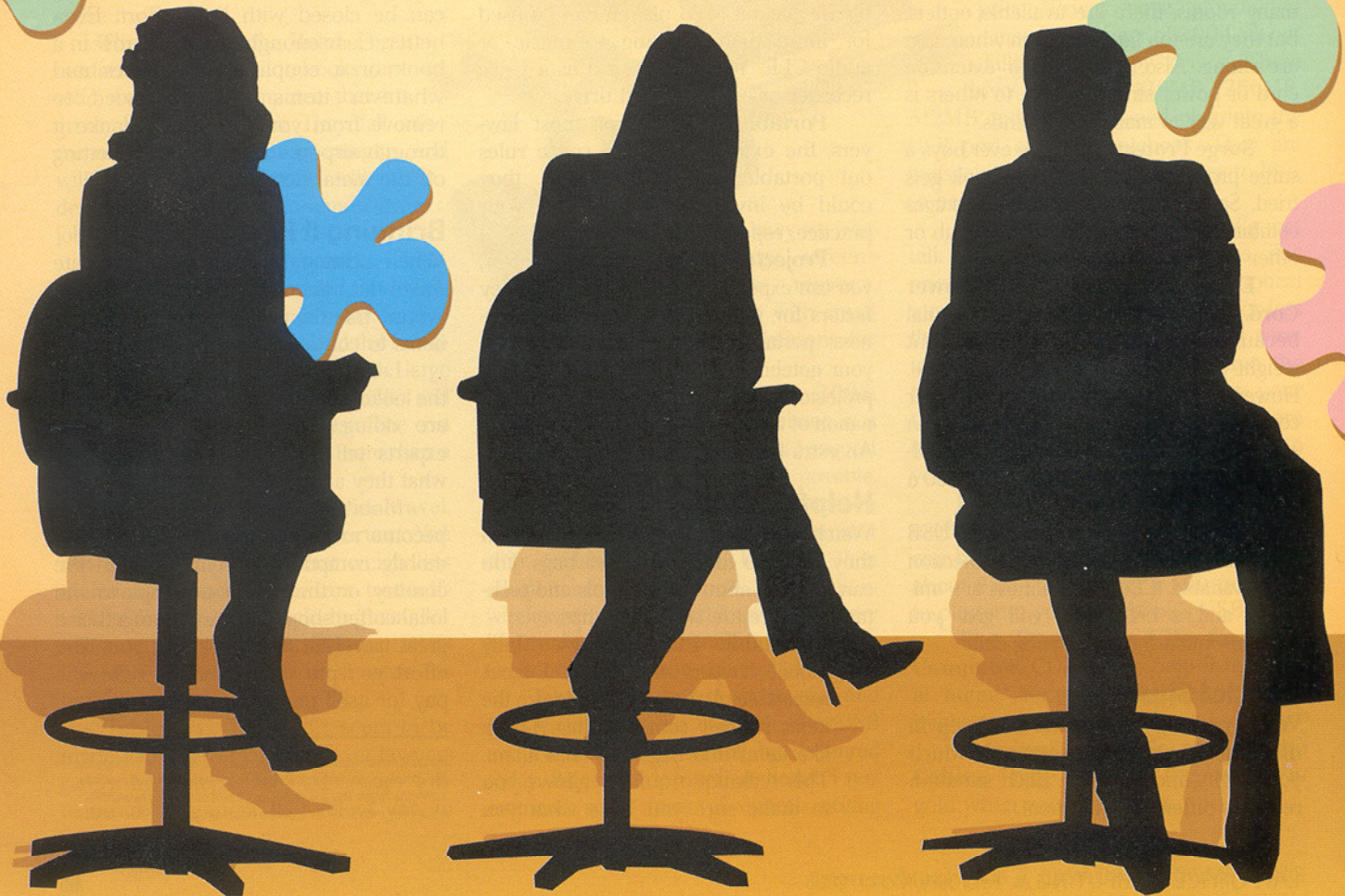



Seeking TECH-SAVVY * ASSOCIATES

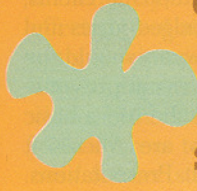
BY FRED GALVES

WHICH PROSPECTIVE EMPLOYEE IS RIGHT FOR YOUR FIRM?





LEGAL EMPLOYERS GENERALLY HAVE HAD A FAIRLY EASY TIME IDENTIFYING GOOD LAW STUDENT CANDIDATES TO HIRE FOR SUMMER CLERKSHIPS OR AS FIRST-YEAR ASSOCIATES. THE TASK OF IDENTIFYING A GOOD CANDIDATE SIMPLY MEANT LOOKING FOR A LAW STUDENT WHO HAD DECENT GRADES, SOME LEGAL WRITING EXPERIENCE OR SOME PRACTICAL LEGAL EXPERIENCE IN A CLINIC OR CLERKSHIP. ONCE IDENTIFIED, THE CANDIDATE WAS INTERVIEWED. IF HE OR SHE WAS NOT INSUFFERABLY ARROGANT, IMMATURE OR NAÏVE, THE CANDIDATE WAS OFFERED THE POSITION.



For the most part, this kind of hiring decision was seen as a reasonable employment gamble. Employers reasoned that if they could hire good students who had a demonstrated ability to learn the law and the legal craft, it was an employment risk worth taking. It was understood that employers always could teach new hires how to practice law, as well as the specific nuances of the firm.

These days, employers still seek law students with promising legal talent and potential. However, throughout the past 10 years, some important changes have occurred in the legal profession, requiring employers to adjust their hiring criteria significantly. Because of changing law firm economics and the growth of legal technology, employers now need to look much more closely at law student candidates to see if those candidates' technological knowledge and skills are adequate for the modern practice of law.

Time, Money and Technology

The changing economics of the practice of law is affecting many employer hiring decisions. Employer budget constraints, client scrutiny of billing, competitive starting salary pressures and a more competitive legal profession have made it necessary for employers to hire new attorneys who can hit the ground running. If new attorneys are not billing because they are being trained and partners are not billing

because they are mentoring, then no one is generating revenue. Gone are the days when clients were gladly willing to fund training a law firm's novice lawyers as an investment in the future of the firm.

Many partners and supervisors simply don't have the time or luxury to

THE MOST IMPORTANT THING TO LOOK FOR IS WHETHER THE PROSPECTIVE HIRE HAS TAKEN A LEGAL TECHNOLOGY COURSE.

teach young attorneys the basic legal and technology skills they should have learned in school.

Law firms today are hard-pressed to find the time and the money to fund technology training for current firm attorneys and support staff, let alone new hires. These firms always could hire a technology consultant to train new employees, but again that takes time and money.

The solution is for employers to focus on hiring law students who have learned modern legal technology applications and strategies while in law school. The student with technical knowledge and essential legal skills always trumps the student with only legal knowledge.




IDENTIFYING TECH-SAVVY CANDIDATES

There are many ways to pick tech-savvy candidates out of the crowd. When

reviewing a candidate's résumé and cover letter, check to see if the student has learned about legal technology in a law school academic setting, rather than just in a software training context. Of course, any familiarity with legal software or hardware is better than no exposure. However, I have found that stu-

dents often benefit more from learning the strategic legal power of technology at a theoretical level. Learned in this context, they will gain the necessary foundational knowledge to adapt to the ever-advancing legal technology they will encounter throughout their careers.

Perhaps the single most important thing to look for is whether the student has taken a dedicated legal technology course. For example, Tim Piganelli, owner of Legal Technology Consulting (www.legaltechconsult.com), and I co-teach a course called "Computer-Assisted Litigation," which basically covers civil procedure, evidence and trial advocacy. Similarly, Professor Fred Lederer of the Courtroom 21 Project at William and Mary Law School in Williamsburg, Va., teaches courses such as "Legal Technology Seminar." At American University, Washington College of Law, in Washington, D.C., adjunct professor



Mark Austrian teaches "Trial Advocacy in a High-Tech Courtroom." While not all law schools offer such high-tech courses, look for the words "computer," "technology" and "software" in the candidates course titles. Double check that the course actually focuses on the use of legal technology, rather than focusing on intellectual property, privacy and security laws.

Ask candidates if they ever have taken advanced trial advocacy or other

LOOK FOR STUDENTS WITH EXPERIENCE USING TRIAL PRESENTATION PROGRAMS.

such courses where students actually are trained to use technological applications during the course. For example, Professor Norm Garland at Southwestern University in Los Angeles teaches a trial advocacy course and recently digitized all of the National Institute Trial Advocacy case documents he uses for the course. Now he requires students to access and present those exhibits using Verdict Systems' Sanction trial presentation software during mock trials and advocacy exercises.

SPECIFIC TECHNOLOGY APPLICATIONS

Looking for technology courses on a candidate's résumé is a start, but you should dig deeper during the interview. Find out if the potential hire is familiar with technology basics, as well as legal-specific applications.

Technology Basics. Employers should confirm that a candidate has had basic online legal research training, specifically on LexisNexis and Westlaw. Also, at a minimum, the candidate should be familiar and experienced with Microsoft Word and Corel WordPerfect word processing programs. General computing in Microsoft Outlook and Excel also is a must.

The candidate should be familiar with basic Internet searches, such as how to conduct informal discovery, a fact investigation and background information checks. Most law student candidates are intimately familiar with these programs, often before they enter law school, but these are the most rudimentary legal technology skills they already should have.

Case Management Software. You should look for candidates with in-class or employment knowledge of scanning, digitizing documents, coding, indexing, optical character recognition and electronic discovery. In fairness, much of this kind of litigation support work will be outsourced, so vast technical knowledge might not be necessary, but a tech-savvy student still needs to understand how the software works theoretical-

ly, conceptually and abstractly. This way, when the candidate engages in discovery dispute or in an evidentiary objection, he or she will understand the legal technology issues involved.

Asking a student about any of these key case or document management software topics quickly will reveal if the student knows the key technology buzzwords. Some questions you might want to ask to test the candidate's knowledge include: Why is metadata important to capture in e-discovery, and why will a court likely admit a TIFF image as an exhibit, but not an OCR'd document? These technological issues can raise legal complexities of which future attorneys need to be aware in order to practice law professionally and responsibly.

Ask students to what extent they have coded or indexed documents, or searched for them using software systems such as CT Corp.'s Summation, Dataflight's Concordance, CaseSoft's CaseMap or TimeMap, or Image Capture Engineering's Storm Viewer. This will give you a sense of how much time and effort it will take to train them when they begin work.

Practice Management. Many students are completely unaware of how to track their billable time, manage their own schedules, stay on top of many legal matters at once, keep in contact with clients, schedule discovery and court calendars, and manage various other professional appointments. Law schools require time management skills, but usually students are not subject to any kind of software to help them in this regard. Although new products, such as FlashLaw, are available for student training in this area (<http://lawschool.aspenpublishers.com/flashlaw/help/default.htm>). Employers should ask if

students have any exposure to practice management programs, to the extent the employer uses any of these types of programs, such as Gavel & Gown's Amicus Attorney, Abacus Data Systems' AbacusLaw, LexisNexis' Time Matters, or CompuLaw.

Trial Presentation. If you expect your new employee to be able to make computer-aided presentations to clients, co-counsel, mediators, judges, juries and so forth, that new lawyer should be familiar with the basic visual presentation technology. Two of the more basic and popular programs are Microsoft PowerPoint and Corel Presentations. These programs have raised the bar for what now is considered an acceptable formal presentation, especially if the presentation involves numerous complexities. Many attorneys have come to rely on these programs for opening statements and closing arguments.

Also, with trial presentation software such as Sanction or inData's TrialDirector, you quickly can access thousands of documents or exhibits in a particular case file database for effective trial exposition. For example, during questioning, these trial programs make it very easy to make quick annotations on the fly, such as highlighting, underlining, creating magnified portions of text, side-by-side document comparison and more.

Look for students with experience using these effective trial presentation programs. This will enable the new attorney to assist senior attorneys in preparing for trial. He or she will know how to use all of the highly organized and immediately retrievable documentary exhibits during a direct exam, cross-exam or even during a deposition. Lawyers will need to be familiar with these types of trial presentation programs in the future, and new attorneys are being hired daily because they already have that knowledge.

HARDWARE

Students should be familiar with the hardware applications necessary to run the firm's software programs. They should be comfortable using either desktops or laptops, and know how to run and access scanners,

copiers, fax machines, cell phones, Personal Digital Assistants and digital cameras.

It's also important to look for students who know how to take video-taped depositions and inter-face those depositions with a trial presentation program such as Sanction. This will allow individual video clips of portions of a deposition to be viewed immediately, which can be a very effective tool at trial when cross-examining a witness. It's the most effective way to impeach a witness because the video, with simultaneous scrolling text, allows jurors to hear and see the witness' former statement from prior verbal testimony.

Students also should be familiar with handling document cameras. Some attorneys still prefer to use them because: 1) They seem more tangible to the jury since the jury can see the paper document put on the glass, and 2) They are good for displaying objects such as keys, a patent device or a murder weapon.

New lawyers also should know how to connect and set up a projector just in case an audio-visual technician isn't available, and become familiar with smart boards and whiteboards, should the need arise in court.

Students also need to be familiar with memory devices to back up software and databases, and to transfer and alternate storage. For example, they should know how to burn CDs and DVDs, and how to save information to external hard drives. They also should understand there is a whole new field of computer forensics where they might need to hire an expert to search databases and hard drives for possible hidden evidence.

Finally, an understanding of Web repositories, Intranets and extranets would be helpful. The future, especially in large cases, will involve attorneys sharing all information with each other, co-counsel, witnesses and the clients, over the Internet using secure firewall-protected systems.

REMEMBER TECHNOLOGY IS JUST A TOOL

Employers need to remember that as important as technology has become in the practice of law, and as important as it is for students seeking employment to bring to the table, practicing law still is very much a human endeavor. Legal technology will not necessarily make a

bad future lawyer a good one. It's not a magic bullet. Thus, knowledge about legal technology and the skill to use it doesn't guarantee the candidate will make a fine lawyer. However, bringing technology know-how and exceptional

legal skills to the hiring table gives them the right mix of skills needed to succeed as an attorney, which will greatly benefit their employers. **ALOC**

Fred Galves is a professor of law at the University of the Pacific, McGeorge School of Law and is a visiting professor for the 2004 to 2005 academic year at Denver University, Sturm College of Law and Southwestern University Law School in Los Angeles. Galves teaches civil procedure, evidence and computer-assisted litigation.

Tech-savvy Law Schools

Many law schools across the United States are known for featuring legal technology in their curriculums or having high-tech facilities. Here are a few of the truly unique schools incorporating technology into their legal programs.

Southwestern University School of Law Los Angeles

www.swlaw.edu and www.swlaw.edu/swlawonline/jdcspotlight/jdc.htm

The law school is home to the new Julian C. Dixon Memorial Courtroom and Advocacy Center, one of the world's most technologically sophisticated trial and appellate courtrooms and alternative dispute resolution center. The 10,000 square foot state-of-the-art Dixon Center is housed on the first floor of Southwestern's Bullocks Wilshire building.

William & Mary, Marshall-Wythe College of Law Williamsburg, Va.

www.courtroom21.net

The Courtroom 21 Project is a joint project of William & Mary Law School and the National Center for State Courts, and is the world center for courtroom and related legal technology. It includes the McGlothlin Courtroom, recognized as one of the world's most technologically advanced trial and appellate courtrooms.

Chicago-Kent College of Law Chicago

www.kentlaw.edu

Much of what is taken for granted in law school classrooms today — from high-speed Internet access to computer-assisted legal instruction — was pioneered at Chicago-Kent. The law school's innovative course in litigation technology teaches students how to use technology to enhance their trial presentations and manage digital evidence in the courtroom.

University of Arizona James E. Rogers College of Law Tucson, Ariz.

www.law.arizona.edu/it

In 1994, the College of Law developed a "Courtroom of the Future," to train law students and lawyers how to use modern technology for the law office and the courtroom. The courtroom is equipped with state-of-the-art computer hardware and software, and showcases the most current processes for employing technology in the practice of law.

University of the Pacific, McGeorge School of Law Sacramento, Calif.

www.mcgeorge.edu

In 1972, the law school created the first "Courtroom of the Future," which truly was ahead of its time in terms of courtroom technology. It correctly foresaw the growth of technology in the practice of law.